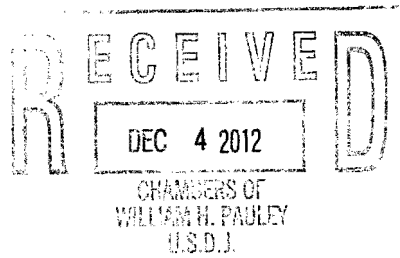


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MEMO ENDORSED

December 3, 2012

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By Hand

The Honorable William H. Pauley III
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: Glatt v. Fox Searchlight Pictures, Inc., No. 11 Civ. 6784 (WHP)

Dear Judge Pauley,

We represent the Plaintiffs in the above-referenced matter. We write to respectfully request an extension of the December 14, 2012 deadline to complete discovery because of Defendants' delays.

Plaintiffs regret having to request an extension, but are forced to do so because of Defendants' failure to produce the discovery that Judge Peck ordered them to produce by November 30, 2012, so that scheduled depositions in Los Angeles could go forward on December 13 and 14, 2012, and their unilateral decision to extend the deadline through at least this week. *See* Ex. A (Hearing Tr.) 2:13-3:6. In anticipation of a large production on November 30, Plaintiffs had attorneys and their technology vendor prepared to work around the clock this past weekend, in order for the documents to be processed and uploaded onto Plaintiffs' case management system and reviewed in just enough time to prepare for the depositions next week. Defendants ended up producing just a fraction of the documents that Plaintiffs had requested and no emails, even though the parties completed negotiations on the terms of a search protocol weeks ago. Just today, for the first time, Defendants informed Plaintiffs that they would begin producing the rest of the documents today and "believe" that they can complete production by the end of the week.

Plaintiffs simply cannot process and review the documents, let alone prepare for depositions, in such a short timeframe without prejudicing their clients – and Defendants know this. It takes the vendor at least 24 hours to process and load the documents onto Plaintiffs' case management system. Even with several lawyers assisting, Plaintiffs need at least a full week to review the documents and at least two days to prepare exhibits and ship the documents to Los Angeles.



Hon. William H. Pauley III

December 3, 2012

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In order to avoid delay, Plaintiffs asked Defendants whether their witnesses might be available the following week – on December 20 and 21 – assuming that the production is completed this week. Defendants responded that they will not agree to an extension of the December 14 discovery deadline.

Q | Plaintiffs are eager to finalize this discovery and get their motions on file, but Defendants' delay, especially since the Court granted Plaintiffs' Motion to Amend, has left them with no choice but to seek some additional time. Plaintiffs respectfully request that the Court order Defendants to complete all production no later than December 7, 2012, extend the discovery deadline to January 18, 2013, and order Defendants to produce the Rule 30(b)(6) and other witnesses whose depositions Plaintiffs noticed either on December 20 or 21 or on mutually agreeable alternative dates before January 18, 2013. Plaintiffs have enclosed a proposed Revised Scheduling Order that includes new dates for the parties' forthcoming summary judgment and class and collective certification motions. See Ex. B.

We thank the Court for its consideration of our request. This is Plaintiffs' first request for an extension of these deadlines.

Respectfully submitted,

Rachel B.

Rachel Bien

enclosures

cc: Elise Bloom, Esq. (by email)
Amy Melican, Esq. (by email)
Adam T. Klein, Esq.
Elizabeth Wagoner, Esq.

Applications granted. This Court will adopt Plaintiffs' proposed revised scheduling order.

SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

12/10/12